

PATENT

Client No.: 12730-231
(PA-5343-RFB)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David Earnest Hartley

Serial No.: 10/647,642

Filing Date: August 25, 2003

For: ASYMMETRIC STENT GRAFT
ATTACHMENT

Confirmation No.: 2511

Examiner: Prone, Christopher D.

Group Art Unit No.: 3738

REPLY BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

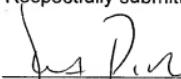
Dear Sir:

Appellant files this Reply Brief in response to the Examiner's Answer mailed on May 29, 2008. By way of this Reply Brief, Appellant is correcting an error in Appellant's Resubmission of a Non-Compliant Appeal Brief ("Appeal Brief"), filed March 14, 2008. Appellant is not introducing any additional arguments in response to the Examiner's Answer, and instead relies upon the arguments made in its Appeal Brief as its bases for allowance.

Appellant notes that an error was made in its Appeal Brief by an inadvertent labeling of the distal end of the prosthesis shown in Figures 21 and 22 of U.S. Patent No. 5,837,906 to Lau et al. (*"Lau"*), as the proximal end. The Applicant apologizes for the confusion. Vascular surgeons and interventionalists commonly refer to the end of a graft closest to the heart as proximal, whereas other physicians refer to the end of the graft closest to the physical as proximal. This dual-meaning of the term "proximal" can create confusion and unintentional mistakes, such as the one made in the Appellant's Appeal Brief. Accordingly, the Applicant agrees with the Examiner that the proximal

end, as shown in *Lau*, is actually the distal end and apologizes for the unintentional error. However, as is clear from Figures 21 and 22 of *Lau*, the tether wire stops short of the proximal end, as correctly labeled, just as it stops short of the distal end. Hence, the inadvertent labeling of the distal end as the proximal does not affect the argument relying these figures, or any of the other arguments presented in Applicant's Appeal Brief.

Respectfully submitted,


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Dated: July 25, 2008

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